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Orange Beach Fishing Association

April 10, 2003

Docket Management Facility
(USCG-2001-8773) - 12
U.S. Department of Transportation
Room PL-401
400 Seventh Street, S.W.
Washington, DC 20590-0001

Re: Comments on proposed rulemaking DOT, Coast Guard, 46 CFR Part 4, (USCG-2001-8773)
RIN 2115-AG07, Marine Casualties and Investigations; Chemical Testing Following Serious
Marine Incidents, dated February 28, 2003.

Dear Sirs:

We respectfully request your consideration of our concerns regarding the above proposed rule and request a public hearing so that affected operators will express their concerns. Orange Beach Fishing Association represents over 2,000 individuals, some of which will be negatively affected by this rule.

Our members are enrolled in a qualified drug and alcohol-testing consortium; we comply with pre-employment screening and post accident testing. The vessels routinely depart and return to the same docking facility and normally are no more than two hours from this facility. The charter boat industry is recognized for its history of safety and has experienced no problems, that I am aware of, with the current shore side testing.

The requirement to carry and administer alcohol-testing devices onboard will be cost prohibitive for charter boats. The vast majority of our members own one charter boat and hire one deckhand. Your assumption of firms with less than 20 employees owning 5 vessels does not represent the charter boat sector. Your economic impact information does not give a fair or even adequate representation of the impact that will be felt by this industry. Your projected initial cost and recurring annual costs will be a substantial economic burden to these vessels, many barely net \$20,000 annually.

At a minimum, we would respectfully recommend that charter boat operations with fewer than 20 employees be exempt from this requirement. Additionally, we urge you to hold public hearings regarding this matter. Thank you for your time and consideration.

Sincerely,

Bobbi M. Walker